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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,135	09/19/2001	Shinji Ohnishi	35.C15811	8383
5514	7590	09/02/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			AYELE, MARIO	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,135

Applicant(s)

OHNISHI, SHINJI

Examiner

Mario Ayele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

In the claims section of the application, the phrase "to said first printer" and "to said second printer" is repeated twice in claims 11, and in 19, and 27 only the first phrase is repeated twice. In addition in claims 17 and 25 the word 'first' is misspelled ('fist').

Claim Rejections - 35 USC § 101

Claims 9 and 27 are rejected under 35 U.S.C. 101 because they fail to state the computer readable medium, which stores the computer program.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 9-10, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Idehara.

In claims 1 and 5 Idehara discloses receiving "print job" from a computer or a scanner into the printer through an interface on page 2, the first two lines of the last paragraph. The "paper eject information" and "color output information" is disclosed on page 3 paragraph 3 and 4. The ejection command generated is dependant on the type of job (color, monochromatic, both mixed), for example Idehara discloses in paragraph 5 a print job consisting of monochromatic and color pages combined, succeeding and going to the same ejection position. Idehara discloses an example of discriminating that the pages are not succeeding on page 4, paragraph 3 in his discussion of a mixed printing job.

In claim 9 and 27 Idehara discloses computer programs being stored on ROM, page 3, line 5.

In claim 10 and 28 Idehara discloses a computer-readable memory ROM that stores specific programs like the ejecting unit's, page 3, line 5.

Claims 17-18, 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato.

In claims 17,18, 25, and 26 Kato discloses to which of the printers (monochromatic or color) each page should be outputted on page 5, paragraph 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idehara in view of Tsunekawa.

Regarding claims 2, 3, and 6-7, Idehara discloses an image apparatus that can print monochromatic and color pages mixed together in one job to arrive at the same destination. However, Idehara fails to expressly disclose if the ejection unit is capable of determining when the number of pages exceed the limited number of ejection pages allowable in a particular bin, to change ejection destination.

In claims 2, 3, and 6-7, Tsunekawa discloses a 'discriminating means' and 'switching means' "to determine whether the number of pages exceeds the limited number of ejection pages" if so changing the ejection destination, in paragraph 0015, lines 11-20.

Idehara and Tsunekawa are combinable because they are from the same field endeavor, being image-processing apparatus, with both having a printing sorter. At the time of the invention, it would have been obvious to a person of ordinary skill in the art

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to include a ejection unit is capable of determining when the number of pages exceed the limited number of ejection pages allowable in a particular bin, to change ejection destination.

Regarding claims 4 and 8, Idehara discloses an image apparatus that can print monochromatic and color pages mixed together in one job to arrive at the same destination. However, Idehara fails to expressly disclose control information for the ejection option unit for sorting and the paper ejection bins.

In claims 4 and 8 Tsunekawa discloses the control information for the ejection option unit for sorting and paper ejections bin, in paragraph 0037.

Idehara and Tsunekawa are combinable because they are from the same field endeavor, being image-processing apparatus, with both having a printing sorter. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include control information for the ejection option unit for sorting and the paper ejection bins.

Claims 11, 12, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Idehara.

Regarding claims 11, 12, 19, and 20, Kato discloses printing of monochromatic and color pages going to two respective printers for a particular job. However Kato fails

to disclose the switching of ejections positions when a break in succeeding pages occurs.

In claims 11, 12, 19, and 20, Kato discloses to which printer each page of print information is outputted and the outputting of the print information to each respective printer on page 5 paragraph 2. In conjunction with Kato, Idehara discloses to "switching ejecting positions regarding the pages in which succession of page numbers was broken" on page 4 paragraph 6, lines 1-4.

Kato and Idehara are combinable because they are from the same field endeavor, being printing control apparatus, with both printing monochromatic and color pages. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to the switching of ejections positions when a break in succeeding pages occurs.

Claims 13-16, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Idehara, and further in view of Tsunekawa.

Regarding claims 13-14, and 21-22, Kato discloses to which printer each page of print information is outputted and the outputting of the print information to each respective printer. However, Kato fails to expressly disclose control information for the ejection option unit for sorting and the paper ejection bins.

In claims 13-14, and 21-22, Tsunekawa discloses the control information for the ejection option unit for sorting and paper ejections bins, in paragraph 0037.

Kato and Tsunekawa are combinable because they are from the same field endeavor, being printing control apparatus. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include control information for an ejection option unit for sorting and for paper ejection bins.

Regarding claims 15 and 23, Kato discloses to which printer each page of print information is outputted and the outputting of the print information to each respective printer. However, Kato fails to expressly disclose a shifting mode that deviate output sheets onto the same tray.

In claims 15 and 23 Tsunekawa discloses a shifting mode deviating output sheets onto same tray in paragraph 0055, lines 6-14.

Kato and Tsunekawa are combinable because they are from the same field endeavor, being printing control apparatus. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to create a shifting mode that deviate output sheets onto the same tray.

Regarding claims 16 and 24, Kato discloses to which printer each page of print information is outputted and the outputting of the print information to each respective printer. However, Kato fails to expressly disclose an option for switching the direction in which the sheet is outputted.

In claims 16 and 24, Tsunekawa discloses "a flapper for switching the conveying direction of the print sheet" in paragraph 0046 lines 7-10.

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Kato and Tsunekawa are combinable because they are from the same field endeavor, being printing control apparatus. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to create an option for switching the direction in which the sheet is outputted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mario Ayele whose telephone number is 571-272-0624. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mario Ayele
Examiner
Art Unit 2622

JOSEPA R. POKRZYWA
PRIMARY EXAMINER
ART UNIT 2622
Joseph R Pokrzywa